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Letter dated 19 May 2000 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Following the violent armed clashes between Ugandan and Rwandan troops in the city of Kisangani in Congolese territory, the Government of Public Salvation of the Democratic Republic of the Congo issued an appeal to the international community aimed at raising the awareness of our peace- and justice-loving partners concerning the outrageous aggression against our country (see annex). That aggression constitutes a blatant violation of human rights and one which has had disastrous humanitarian consequences.

I should be grateful if you would have this letter and its annex distributed as a document of the Security Council.

(*Signed*) André Mwamba **Kapanga**
Ambassador
Permanent Representative

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Annex to the letter dated 19 May 2000 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Appeal to the international community following the armed clashes between Ugandan and Rwandan troops in Kisangani

16 May 2000

Your Excellency the Dean of the Diplomatic Corps,

Ambassadors,

Ladies and Gentlemen,

Distinguished guests,

The Government of Public Salvation, through the Ministry of Human Rights, wishes to thank you once again for responding so promptly to today's invitation.

This is evidence of your unswerving attachment to the universal, permanent and inalienable values of the human person as proclaimed in various national and international legal instruments.

Today's appeal is intended to continue to raise the awareness of our peace- and justice-loving partners concerning the outrageous aggression against our country. That aggression constitutes a blatant violation of human rights and one which has had disastrous humanitarian consequences: massacres, deportation, abductions, displaced persons, war victims, refugees, vulnerable persons, environmental destruction, etc.

There is no need to remind you that since the war of aggression was unleashed against the Democratic Republic of the Congo on 2 August 1998, in flagrant violation of all the basic rules of both general international law and the International Bill of Human Rights, the African Charter of Human and Peoples' Rights and international humanitarian law, the Democratic Republic of the Congo has nevertheless striven tirelessly to fulfil its humanitarian obligations. In so doing and as required in such matters, it has made no demands for reciprocity.

The Government of Public Salvation has sought to observe the provisions of the Geneva Conventions of 12 August 1949 on international humanitarian law, to the extent even of sheltering and protecting in appropriate sites members of the population of Tutsi origin who for one reason or another did not feel safe.

In the coming days, the Government of Public Salvation will again effect a voluntary repatriation to Rwanda of some 200 persons of Tutsi origin.

What further proof does the international community require of our country's respect for its humanitarian obligations?

Although it has not demanded reciprocity as a precondition for fulfilling its humanitarian obligations, is the Democratic Republic of the Congo not entitled to expect from the international community and the United Nations far more concern and support for its citizens suffering in the occupied territories or deported to Rwanda, Uganda or Burundi?

Our main reason for inviting you here today is the continued fighting in Kisangani between Ugandan and Rwandan occupation troops, specifically that taking place in the city centre and around the gold and diamond mines.

Already in August 1999, fighting between the forces of the aggressor States resulted in the deaths of over 300 Congolese citizens.

Despite repeated calls by the Congolese Government, no clear and unequivocal decision or statement has been adopted either by the Security Council or by States which claim to respect the rule of law and may therefore be presumed to also respect the international legal order, the sacrosanct foundation of which is the principle of sovereignty and territorial integrity.

During our remarks of 30 March 2000, we drew the attention of the Security Council, the Organization of African Unity, the European Union and others to the imminent danger of an armed clash between the Rwandan and Ugandan aggressor troops who were seeking to resume their shameless fighting on the territory of another independent sovereign State, namely the Democratic Republic of the Congo.

In this connection, we asked whether the Congolese people did not have the right to peace, which the Declaration on the Right of Peoples to Peace, adopted by the General Assembly on 8 November 1984, enunciates in these terms: " ... the peoples of our planet have a sacred right to peace."

The Minister for Human Rights then made a moving appeal to the international community, through the diplomatic corps and the representatives of the United Nations system in the Democratic Republic of the Congo, for measures to be taken to prevent such a clash, which would have adverse consequences for the country's civilian population, which had already suffered greatly from this unjust war.

And yet for the past two weeks Ugandan and Rwandan troops, no doubt squabbling over the precious spoils of war they have extracted from Congolese mines, have once again been fighting each other with heavy weapons, waging a war within the war of aggression that virtually defies the United Nations while the representatives of the States members of the Security Council were on mission in the Democratic Republic of the Congo.

Numerous Congolese civilians have already been brought down by gunfire and other engines of death in blissful ignorance of the Geneva Conventions and their two Additional Protocols which protect civilian persons.

Taking advantage of the international community's timid reaction, the Rwandan and Ugandan aggressors met at Mwanza in the United Republic of Tanzania as they had done previously at Kabale in Uganda during the initial attacks.

Once again, a ceasefire was decreed between the foreign aggressor troops, and an unusual decision to demilitarize the city of Kisangani was brazenly taken under the nose of the Security Council.

How can the Security Council explain these acts by Uganda and Rwanda: recognition of the presence of their armed troops in the Democratic Republic of the Congo, ostensibly to ensure their own safety; the illicit exploitation of Congolese wealth (especially gold and diamonds); pitched battles between their troops on Congolese soil over gold and diamonds; the decision to demilitarize Kisangani; and so forth?

What in particular is the meant by the demilitarization of the city of Kisangani by the aggressors, who have in fact been told to leave Congolese territory?

Is it normal, in the eyes of international public law and the Security Council mission, to do nothing more than to urge the Ugandan and Rwandan troops in Kisangani to stop their fighting, while Security Council resolution 1234 (1999) of 9 April 1999 notes that these uninvited foreign troops are occupying part of the Democratic Republic of the Congo, in violation of the fundamental principles of the United Nations?

How is one to interpret article 1, paragraph 2 (a), of the Lusaka Ceasefire Agreement insofar as the pitched battle between Ugandan and Rwandan troops in Kisangani is concerned?

To answer these questions, must one turn to other noted internationalists such as Nguyen Quoc Dinh, Patrick Daillier and Alain Pellet, who, in their monumental work *Droit international public* (*International Public Law*) consider that in practice no allegation of aggression or of a "threat to the peace" is possible "if the aggressor is one of the permanent members — not to say one of the States protected by them"?

What is to be done now in the face of the bad faith shown by Uganda, Rwanda and Burundi? The Security Council has no other choice than to impose coercive measures under Chapter VII, specifically Articles 41 and 42, which are intended to restore international peace and security.

The inexplicable reticence of the international community in general and that of the Security Council in particular as regards the unequivocal qualification of aggression being perpetrated by Rwanda, Burundi and Uganda against the Democratic Republic of the Congo, the shocking indifference bordering on complicity of the international community in the face of the massive violations of human rights perpetrated by the aggressors since 2 August 1998 and the recidivism of the aggressors are key factors that may lead to chronic instability in the Great Lakes region.

You who have first-hand knowledge of the realities of the aggression that concerns us are the wounded Congolese people's first ambassadors.

Be our objective interpreters with each passing day in order to help us and to help the truth dismantle the vast network of lies and disinformation that has

been created by the aggressors and their intellectual and material accomplices.

For the Government of National Salvation, the only just and correct attitude that is consistent with international public law and morality should be one that is consistent with our usual demands, which are:

- Formal condemnation of the armed aggression;
- An international investigation of all the massacres perpetrated on Congolese territory by the aggressors;
- The immediate withdrawal of all forces of aggression from the Democratic Republic of the Congo in order to foster the holding, under peaceful conditions, of an inter-Congolese dialogue, in other words a dialogue involving only Congolese.

To achieve peace in the Democratic Republic of the Congo and the Great Lakes region, greater initiatives would be of value from:

1. The Security Council, which should note that the situation in the Democratic Republic of the Congo is sufficiently ripe for the taking of measures under Chapter VII of the Charter of the United Nations;

2. The Organization of African Unity, notwithstanding the inadequacy of its resources, which should avoid lapsing into irresponsibility and meaninglessness by working with the United Nations to ensure peace in the Democratic Republic of the Congo. Incidentally, we support the current efforts of the Current Chairman of OAU to this end;

3. Portugal, which currently occupies the Presidency of the European Union, and France, a permanent member of the Security Council which will also occupy the Presidency of the European Union as of July 2000, and which should also take much more initiative and avoid falling into the trap of becoming a tool for genocide skilfully organized by Rwanda.

Let me take this opportunity to warmly thank the people of Algeria and their President, Mr. Abdelaziz Bouteflika, for having hosted on their soil, which is imbued with the spirit of pan-Africanism, the twenty-seventh session of the African Commission on Human and Peoples' Rights.

For that session, unlike the two previous sessions held intentionally in Kigali and Bujumbura, at last enabled the Commission to rule with complete neutrality on the admissibility of the communication-complaint submitted on 24 February 1999 by the Democratic Republic of the Congo against Rwanda, Burundi and Uganda concerning the numerous massacres and crimes perpetrated by their troops in violation of the relevant provisions of the African Charter on Human and Peoples' Rights.

Be genuine ambassadors of the current tragedy in the Democratic Republic of the Congo; history will be grateful to you.